

**August 25, 2020**

The Wythe County Board of Supervisors held its regularly scheduled meeting at 6:00 p.m., Tuesday, August 25, 2020. The location of the meeting was in the Boardroom of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia.

**MEMBERS PRESENT:**

Brian W. Vaught, Chair  
 Ryan M. Lawson, Vice Chair  
 Rolland R. Cook  
 B. G. "Gene" Horney, Jr.

Coy L. McRoberts  
 James D. "Jamie" Smith  
 Stacy A. Terry

**STAFF PRESENT:**

Stephen D. Bear, County Administrator  
 Scot Farthing, County Attorney  
 Martha Collins, Administrative Assistant/Clerk  
 Billy Bowers, Building & Grounds/Solid Waste  
 Curtis Crawford, Emergency Services Coordinator  
 Don Crisp, Water/Wastewater Director  
 Bruce Grant, Finance Director

**OTHERS PRESENT:**

Barry Ayers  
 Tommy Cleveland  
 Bill Cole  
 Lennon Counts  
 Kendra Eastwood  
 Charlie Foster  
 Chalmer Frye  
 Lori Guynn  
 Matt Hooper  
 Scott Jefferies  
 Ron Jenkins and wife

James LaRue  
 David Manley  
 John Matthews  
 Linda Meyer  
 Colleen Montgomery  
 Jason Terry  
 Dan Tolley  
 Eloise Turner  
 Kathy Vaught  
 Zach Wright

**CALL TO ORDER**

Chair Vaught determined that a quorum was present and called the meeting to order at 6:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Colleen Montgomery, Holy Trinity Lutheran Church, provided the invocation and Supervisor Cook led the Pledge of Allegiance.

**CITIZENS' TIME**

Chair Vaught inquired if anyone present wished to address the Board.

1. APEX Center – Mr. James LaRue appeared before the Board and stated “My name is James LaRue and I have concerns about the APEX Center. Y’all might have fixed them; I don’t know yet but the air and soil quality, I know in January it was brought up because some contractors had got sick. Have y’all had it tested and what was the results? I haven’t seen anything and I’m trying to do this because my kid has Down Syndrome and if I take him and he gets sick, there’s nothing they can do. They won’t put him on a vent; plus, the other thing I have is, when I did take him, the rocks to go in on the handicap accessible, I could not get his stroller in; it would sink. Then I had to take him around to the dirt; I couldn’t get him up the steps without taking him out of the car seat and carrying him. And my thing is, I’ve been a firefighter for the last 13 years. I retired from EMS and I’m getting ready to retire from the fire department so I can spend more time with my son but you know if something happened and they couldn’t get a stretcher in there for that patient, and for some reason that patient died, who is that family going to sue? Is it going to be the Board of Supervisors? Or is it going to be the APEX Center? As a concerned citizen, I see my taxes come in and I like the place, don’t get me wrong, but I want to be safe. That way, if anything did happen, like any other citizen here I don’t want to see us have to go in the hole for a lawsuit because someone lost a life. It’s a hindrance to the EMS that they couldn’t get to that patient. My question is, what can we do to make it better? I took him one time and I haven’t been back. I would like to go but, without getting him in besides carrying him, it’s not really feasible for me. So, that’s my concern, and the soil and air sample, how’d that go? Because I haven’t heard and I’ve been looking on YouTube trying to get through the Supervisors’ meetings and haven’t heard anything.”

Mr. Bear will contact Mr. LaRue to put him in touch with the APEX Authority and they can address all his concerns.

Mr. LaRue responded “The last time I was there, there were big rocks going into the upper level, like the stroller would just rock and you couldn’t keep it safe and this is my second child and of course with him having Down Syndrome I really don’t want to lose him because he was a gift from God. After 11 years with my first kid who turned 12, God gave me the other gift and I really am just more concerned for his sake. I didn’t want to stir up a can of worms but you know I was

just trying to find out about the soil samples and all that. I'm just a concerned citizen so thank you all for the time."

2. Wythe County Solar Project – Ms. Linda Meyer appeared before the Board and stated "Good evening, gentlemen. I have a question and a concern and maybe something you should think about. The proposal for the solar business being that it's such a large, expansive property, let's say almost 1,000 acres, here in Wythe County. I've been doing a lot of reading lately and there are plenty of places out west and all over the United States that the property has been bought up by, let's say foreign entities, and I would like to know if there's anyway we can ensure that that property, if it ever goes belly under or gets sold, if there could be some kind of a caveat attached to the property that it could only be sold to Americans here and not a foreign entity. So, it's an interesting question and I would certainly hate for that expansive land to be purchased by a foreign country for nefarious use or whatever. So, it's something to think about if you could possibly put it in your minds. Thank you."
3. Wythe County Solar Project – Ms. Eloise Turner appeared before the Board and stated "Thank you, Mr. Chairman and the Board. I will have to say the lady's got the land wrong because I don't think, there's not one person that owns 1,000 acres of land; there's several folks on it so, anyway, we need to get that clarified. But anyway, I know that y'all have a high-value on land-owner rights and I am here to support the project. I think it's great. I think it's just clean air, there's no damage to be done, and this is my property and this is what I really, really want to do with this. I really think this is an asset to Wythe County to get all that \$100,000 worth of revenue. It's good for me, it's good for the County. It's just sitting back there out of the way and I just want to use the land that you see fit and please let me do that. I know that if it was y'all's farm, y'all would want to do what you want to do. I mean, I'm not doing anything illegal or anything bad that ever even hurt this State or Wythe County, and this is a good project and I would really like for y'all to come and look. I think if y'all came and looked and see that this land just keeps going straight in a valley, it's not spread out along the road; it's just a narrow valley. I think y'all would be really, really - y'all would just really like this project and the Planning Commissioners all came and every one of them was really impressed. Mr. Coy McRoberts came and he was impressed. It's a deep valley; it's a dryland farm and I really want y'all to support my right as a landowner and more landowners here in the State of Virginia and Wythe County. And thank y'all very much for your time."

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4. Wythe County Solar Project – Mr. Matt Hooper appeared before the Board and stated “Thank you, Mr. Chairman. I’ll try not to take up too much of your time tonight. First off, I hope you guys received the package that I sent to all of you this weekend about the Wythe County Solar Project. Obviously, we had some maps and studies, some more information. I didn’t want to overwhelm you but this is the part you didn’t get. This is the PER application which includes over 300 pages of environmental assessments. It’s not only available in the Barren Springs Post Office for anyone to review in person, but we also made it available on our website. So, I didn’t want to submit this in the mail but it’s available, always has been since June, to the public. Next, I wanted to echo Ms. Eloise and invite you to the site to see the project. When you think about developing a 700-acre site, it sounds like it would be very visible. But actually, where this is located, it is comparatively not very easy to get to or see, it’s kind of essentially tucked back in a hollow. So, I do encourage you to come see, as she mentioned, Supervisor McRoberts came, the Planning Commission came, and I think they all found it very helpful. I’m happy to coordinate with you guys - day, evening, weekend – but I’d like to take you out there, if possible. I think it would really give you an idea of what we’re trying to accomplish here, and also the level of detail that we’ve taken into this design to be thoughtful and considerate of the rest of the neighbors in Wythe County. And finally, I know you’ve heard different concerns from citizens particularly about health and safety of solar. You’re taking some additional time to determine what you want to do regarding the project. So, I did actually want to bring an expert who I worked with before on health and safety in solar. He’s going to speak after me but, obviously, we’re both here to answer any of your questions that we’re able to. His name is Tommy Cleveland. He’s a consulting engineer and an expert on solar energy. He was at NC State for 12 years and, as part of that, he was part of the NC Clean Energy Technology Center. And since then, he’s been working as an engineer at a non-profit consulting company that their primary role is commissioning solar farms for Duke Energy. He also wrote a number of the publications that I sent you and has written several more. But if we have an expert on solar who can answer your questions or concerns about the generalities of a solar farm, he would be a wonderful expert. He is unavailable for the September 8<sup>th</sup> (meeting) so I wanted to get him here and give you the opportunity to ask him any questions that you have. So that’s all from me but if you have any questions, I can take them now or after.”

Supervisor McRoberts asked if the property is being sold or leased, and Mr. Hooper replied that it will be leased.

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Chair Vaught asked how long a lease, and Mr. Hooper responded that typically the leases are for 35 years (life of the project).

5. Wythe County Solar Project – Mr. Tommy Cleveland appeared before the Board and stated “Good evening, Board. As you heard, my name is Tommy Cleveland and I appreciate the opportunity to speak a few minutes with you about potential health or safety impacts of solar. My background is I’m an engineer and my whole career has been in solar energy. At NC State, I was at the Clean Tech Center and North Carolina started developing solar farms after anybody but California, so a lot of the questions about what are the health and safety impacts of this technology came to me at the Center. So, I did the research needed to answer those questions for cities and counties across North Carolina and developed an expertise on the technology, specifically, potential health or safety impacts. I’ll give you a little summary but I hope I have the opportunity to answer some of your questions as well. I think it’s important to understand that the panels being proposed here have the same technology that’s been used around the world for decades and studied for decades, so it’s well understood; what’s in the panels, how they work, how they work on day one but also how they work 30 years later. And a summary of all that experience and research is that they don’t produce a negative health or safety impact or risk for neighbors or the community or they don’t limit the ability to farm land nearby or raising animals nearby. The panels themselves are most of what’s out there and most of the panel ... about 75% is tempered glass. The other components are really almost all very common building materials. There are some adhesives that seal out moisture, the same adhesive used in car windshields, so if the panels break, all that glass stays together just like in a windshield. Silicon is used for the actual solar cell and that silicon is refined from sand, and it’s more than 99% pure silicon to make up the solar cells. And then there’s little bits of metal, a number of metals: aluminum, copper and lead that are used in the transfer of the electricity through the panel and there’s no liquids. If the panels break, it’s not challenging to pick them up and remove them. The other components of a project are, primary components, are inverter and transformer, and there’s nothing that causes hazards or risk to the population from those pieces of equipment, and the transformers are not unlike transformers that are behind industrial and commercial buildings all around the county, around the country. I can keep going but I want to be respectful of your time ... my conclusion is from all my expertise is that this project would have no negative health or safety impacts on the community and, in fact, it would mean less coal and natural gas are being burned at nearby power plants. So, it would reduce pollution in the community by reducing the coal and natural gas being burned. I welcome questions - hope to

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take the opportunity to be able to have any questions that I may be able to answer. I'll stop there."

Supervisor Terry asked about clean up at the end of the project (~35 years).

Mr. Cleveland replied "The system would, I don't know the specifics of the contracts here, but the system would be decommissioned. It's possible you could remove the old panels, depending on the agreements here, remove the old panels and put new panels out there and keep the system operating, from a technical point of view, at least. But decommissioning is really just the opposite of construction; it's very straightforward. There's not a lot of experience decommissioning projects; there's almost none. But there's a lot of experience building them, and decommissioning is really just building them in reverse. It's very simple to do. You're disconnecting wires, you're taking off bolts and the panels sit on long racks that have steel posts in the ground. The posts are just pushed in the ground, ... and there's equipment that comes by and just shakes and pulls those posts out of the ground. The point that would have the most impact and take the most work to decommission would be the few concrete pads where the inverters and transformers sit, and those are just a tiny fraction of the whole site. And then the gravel roads that would be throughout the site, would take some work to pull out the gravel, pull out the roads. There'd be no surprises about it. It would take some work to figure out what exactly it would cost to do but there's really no surprises there."

Supervisor Cook asked who will be responsible for that cost.

Mr. Cleveland responded "I'll add a little bit to my part of the answer then I'll let Mr. Hooper answer some more. The solar panels are likely to have some significant value that they have a 25-year warranty that says after 25 years, they'll still produce 80% of their original power, so it's quite possible, and it's what's happening now to old panels that come out; they still have some value as a working solar panel, like a second-hand solar panel. There's also lots of steel, aluminum and copper that come out that has pretty significant just normal recycling value. So that helps offset, might even more than offset depending on what you sell the panels for, more than offset the decommissioning costs. But I know that wasn't quite your question but I'll let Mr. Hooper *(address)*."

Mr. Hooper replied that the commitment to decommission is built into all their land agreements with the landowners. Also, he said the value of the panels and

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parts typically outweighs the decommissioning costs because of the recyclability of the materials. Mr. Hooper added that they have actually restored a wet land (a six-month restoration), so for people to say you can't restore farm land, is not accurate. He said if you can restore wet land in six months, you can restore farm land in a fraction of that time. Mr. Hooper shared pictures with the Board of the wet land restoration.

Chair Vaught assumes the long-term plan would be to renew the lease at the end of the 35 years, provided the landowner is agreeable.

Mr. Hooper said it is always a possibility and that it could make economic sense depending on the technology 35 years from now.

With no one else wishing to address the Board, Chair Vaught closed Citizens' Time.

#### **PUBLIC HEARING – AMENDMENT NO. 1 TO MEALS TAX ORDINANCE 2000-02**

Chair Vaught read that in compliance with the Code of Virginia and amendments thereto, the Wythe County Board of Supervisors will conduct a public hearing to consider Amendment No. 1 to Ordinance 2000-02, Meals Tax Ordinance of Wythe County, Virginia. The Board of Supervisors will hear comments from citizens concerning the proposed amendment.

The public hearing will be held on Tuesday, August 25, 2020, at 6:00 p.m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia.

A copy of proposed amendment is on file in the County Administrator's Office, located at 340 South Sixth Street, Wytheville, Virginia for public review or online at [www.wytheco.org](http://www.wytheco.org).

Mr. Bear explained that the current meals tax rate of 4% was adopted 20 years ago. Since then, Virginia statute kept counties from raising that tax rate while towns and cities were able to enjoy higher rates. Rural Retreat's current meals tax rate is 5% and the Town of Wytheville is 7%. The Virginia Code was amended this year to allow localities to increase their meals tax rate to 6%. Many of the county restaurants are along the interstate and frequented primarily by travelers and freight. Mr. Bear stressed that Wythe County is in need of additional tax revenue and this increase would mostly affect the non-county residents traveling through.

Chair Vaught opened the public hearing for comments.

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1. Mr. Bill Cole appeared before the Board and stated "I guess my first comment is the timing of this tax on the restaurant industry. The restaurant industry has taken a huge beating with this whole flu bug that's going around and a lot of us are just struggling, and I know a lot of my customers are mostly local people so this is going to be affecting local people. I get a small percentage off the highway. The other thing is imposing a tax just because another town or another county does it; I understood a tax is supposed to be for an impact to an infrastructure that an industry was causing. I am curious what impact the restaurant industry has caused other than a good impact bringing people off the highway that helps all the other industries, increasing sales tax for the antique folks and everybody else that comes off the highway. That's all my comments, really."

Hearing no other comments from citizens, the Chairman closed the public hearing.

Mr. Bear said if the Board adopts the ordinance as written, the effective date would be October 1<sup>st</sup>, giving the Commissioner's office time to prepare the required paperwork.

Vice Chair Lawson asked how urgent is this and how much is this going to help us.

Mr. Bear responded the estimated revenue would be just under \$400,000. In order to balance the budget this year, the County had to pull from the General Fund. In addition, last month's report revealed the County is down about \$2M from the year before. Mr. Bear stated that a 2¢ increase in real estate tax would bring in about \$450k, but that would impact only the Wythe County citizens.

Vice Chair Lawson commented that now is a bad time to implement a tax increase.

Chair Vaught said no one likes to increase taxes but the schools get close to 100% of our real estate taxes. The County needs the revenue and he would rather raise the meals tax instead of real estate or personal property.

Supervisor Terry agreed with the Chair. As much as he doesn't want to raise taxes, the meals tax increase is the better option.

Supervisor Smith asked if this is something the Board needs to act upon now. Restaurants are already struggling and this would negatively impact them even more.



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Mr. Farthing said if the Board wants to hold off, they could just re-advertise another public hearing. He believes a couple of months would be a reasonable time frame. Or you could adopt the ordinance now and just change the effective date.

Vice Chair Lawson understands the need but would prefer not to do this now.

Supervisor Horney does not like raising taxes but doesn't feel this will have that great a negative impact. On a \$10 meal, this tax would only increase the bill by 20¢.

Chair Vaught commented that new fire trucks had to be cut due to revenue shortfalls. While an increase in the meals tax would affect some of the local citizens, it's a slight increase but one that would largely affect non-County residents and provide much needed revenue.

Supervisor McRoberts believes that over the next several years, Wythe County is going to need to increase revenue just to survive. Expenditures will only continue to rise. He does not like taxes either but ...

Supervisor Cook is not sure about the timing of this, but will there ever be a good time?

The public hearing concluded with no action being taken.

### **PAYMENT OF COUNTY INVOICES**

Supervisor Horney made a motion to pay the invoices for approval on August 25, 2020, for the various departments of County government. The invoices were paid on General Warrants 30107464-30107556 as follows:

#### **EXPENDITURES BY DEPARTMENT BOARD OF SUPERVISORS August 25, 2020**

<b>CHECK #</b>	<b>ISSUE DATE</b>	<b>VENDOR</b>	<b>AMOUNT</b>
30107464	08/13/2020	APPALACHIAN POWER	\$ 14,135.13
30107465	08/13/2020	BUSINESS INFORMATION SYST	115.74
30107466	08/13/2020	CENTURYLINK	4.02
30107467	08/13/2020	CENTURYLINK	63.90
30107468	08/13/2020	CENTURYLINK	311.70
30107469	08/13/2020	DEPT OF MOTOR VEHICLES	5,700.00
30107470	08/13/2020	ENTERPRISE FM TRUST	6,196.62

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30107471	08/13/2020	LOWE'S	971.31
<b>TOTAL EXPENDITURES 08/13/2020</b>			<b>\$27,498.42</b>

<b>CHECK #</b>	<b>ISSUE DATE</b>	<b>VENDOR</b>	<b>AMOUNT</b>
30107472	08/25/2020	COM TEC	\$ 125.00
30107473	08/25/2020	PAPER CLIP	322.78
30107474	08/25/2020	TRI CITIES/SW VA REGIONAL	120.58
30107475	08/25/2020	TWO WAY RADIO	19.00
30107476	08/25/2020	VAUGHT, BRIAN W	74.74
30107477	08/25/2020	APPALACHIAN REGIONAL EXPO	50,000.00
30107478	08/25/2020	APPALACHIAN POWER	10,839.13
30107479	08/25/2020	AYERS & SONS SEPTIC LLC	625.00
30107480	08/25/2020	BLUE RIDGE ANALYTICAL, LL	1,555.00
30107481	08/25/2020	BLUE RIDGE AUTO PARTS INC	266.84
30107482	08/25/2020	BROWN EXTERMINATING CO	420.00
30107483	08/25/2020	CARTER MACHINERY CO INC	646.28
30107484	08/25/2020	CAVALIER SUPPLY CO	2,222.60
30107485	08/25/2020	CENTURYLINK	39.98
30107486	08/25/2020	CENTURYLINK	50.60
30107487	08/25/2020	COCKERHAM TIRE & AUTO #2	286.26
30107488	08/25/2020	COM TEC	100.00
30107489	08/25/2020	COMM OF REV ASSOC OF VA	100.00
30107490	08/25/2020	COMMONWEALTH ENGINEERING	564.00
30107491	08/25/2020	PAUL WIDENER	2,100.00
30107492	08/25/2020	COULTER'S FLORIST INC	60.00
30107493	08/25/2020	CREATIVE GLASS INC	110.00
30107494	08/25/2020	CSG SYSTEMS, INC	1,684.87
30107495	08/25/2020	DELL MARKETING LP	64,681.49
30107496	08/25/2020	DEPT OF GENERAL SERVICES	65.00
30107497	08/25/2020	DIVERSIFIED INTEGRATION I	332.50
30107498	08/25/2020	EAST COAST EMERGENCY VEHI	336.00
30107499	08/25/2020	FERGUSON ENTERPRISES #5	250.08
30107500	08/25/2020	FOOD COUNTRY	4.38
30107501	08/25/2020	GALLS	343.01
30107502	08/25/2020	GFL ENVIRONMENTAL	531.30
30107503	08/25/2020	GRANT, BRUCE M	4,343.59
30107504	08/25/2020	HARPO'S HARDWARE & BLDG S	199.24
30107505	08/25/2020	HERSHEY CREAMERY CO	205.68
30107506	08/25/2020	JOHNSON CONTROL FIRE PROT	475.02

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30107507	08/25/2020	KC AUTOMOTIVE	202.80
30107508	08/25/2020	KING GENERAL CONTRACTORS	7,200.00
30107509	08/25/2020	MANSFIELD OIL CO	3,994.72
30107510	08/25/2020	MCI COMM SERVICE	72.41
30107511	08/25/2020	MCI COMM SERVICE	284.05
30107512	08/25/2020	MCI COMM SERVICE	1,870.45
30107513	08/25/2020	MEREDITH'S GARAGE	220.69
30107514	08/25/2020	BERNARD SUTPHIN	48.99
30107515	08/25/2020	BRITTANY LACY	129.92
30107516	08/25/2020	BUSTER SAGE	15.00
30107517	08/25/2020	CASEY J CARR	88.80
30107518	08/25/2020	DILLAN CROCKETT	9.23
30107519	08/25/2020	HUNTER N STROUPE	21.25
30107520	08/25/2020	JUNE AKER	50.00
30107521	08/25/2020	LARRY BOURNE	36.00
30107522	08/25/2020	LOIS PERRY	30.80
30107523	08/25/2020	LYDIA MELVIN	15.85
30107524	08/25/2020	MARRELL WARD	18.00
30107525	08/25/2020	MATTHEW B BRASHER	12.40
30107526	08/25/2020	MIKE LINDSEY	84.00
30107527	08/25/2020	ROGER LEWIS	8.40
30107528	08/25/2020	SALLY LAMBERT	18.00
30107529	08/25/2020	SHERMAN FRYE	18.00
30107530	08/25/2020	TERRY RATLIFF	46.00
30107531	08/25/2020	OWEN G DUNN CO	296.29
30107532	08/25/2020	PAPER CLIP	2,576.50
30107533	08/25/2020	R&C TOWING & REPAIR CO	125.00
30107534	08/25/2020	R&R ENTERPRISES INC	11,677.50
30107535	08/25/2020	RENTAL HUB INC	280.00
30107536	08/25/2020	RURAL RETREAT AUTO PARTS	18.93
30107537	08/25/2020	SALEM STONE	10,364.00
30107538	08/25/2020	STATE ELECTRIC SUPPLY CO	182.31
30107539	08/25/2020	TESSCO INC	6,199.61
30107540	08/25/2020	THOMPSON TIRE	208.00
30107541	08/25/2020	TOWN OF WYTHEVILLE	609.59
30107542	08/25/2020	TRANE U.S. INC	1,511.44
30107543	08/25/2020	TREASURER OF WYTHE COUNTY	24.01
30107544	08/25/2020	TRI-CITIES / SOUTHWEST RE	2,062.66
30107545	08/25/2020	TYLER TECHNOLOGIES INC	55,051.25

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30107546	08/25/2020	UNIVERSITY OF VIRGINIA	185.00
30107547	08/25/2020	VERIZON WIRELESS	1,537.76
30107548	08/25/2020	VIRGINIA BUSINESS SYST	832.00
30107549	08/25/2020	VIRGINIA ELECTRIC SUPPLY,	980.00
30107550	08/25/2020	VISUAL IMPACT PROMOTIONS	237.10
30107551	08/25/2020	WILSON BAIT & TACKLE INC	420.00
30107552	08/25/2020	WYTHE CO WATER & WASTEWAT	31.19
30107553	08/25/2020	WYTHE TIRE AND MUFFLER	638.96
30107554	08/25/2020	WYTHE-GRAYSON REGIONAL LI	81,113.75
30107555	08/25/2020	WYTHEVILLE OFFICE SUPPLY	183.74
30107556	08/25/2020	XEROX	628.42
<b>TOTAL EXPENDITURES 08/25/2020</b>			<b>\$336,570.72</b>

**TOTAL EXPENDITURES APPROVED 08/25/2020** **\$364,069.14**

Supervisor Cook seconded the motion and the roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

#### MINUTES OF PREVIOUS MEETING

The Board was presented with the August 11, 2020 minutes for approval.

Supervisor Smith made a motion, seconded by Supervisor Terry, to approve the August 11, 2020 minutes as presented.

The roll call vote on the motion was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

## **BRANCH BOTANICALS**

Mr. Bear explained that Branch Botanicals repaid the County about a month ago for two grants they received. Mr. Dan Tolly of Branch Botanicals would like to present information about their interest in the land and their future in Wythe County.

Mr. Tolley explained that Branch Botanicals came to Wytheville four years ago with intent to grow a specific cherry tree in order to generate product in the commercial market. However, they experienced several issues with funding from the investors, issues that could not be rectified. When Mr. Bear advised Branch Botanicals that the grants needed to be repaid, Mr. Tolley immediately responded with repayment. Mr. Tolley's plan is to keep Branch Botanicals moving forward and they are close to the funding they need. But the price of the land is an issue. Lots in Progress Park are "extraordinarily high" around \$15k per acre. Mr. Tolley proposes \$7,500 per acre, plus a 4% penalty in consideration of the delay in payment, bringing it to around \$7,900 per acre for 38 acres, totaling \$299k in cash. He feels this is a very reasonable fee.

Chair Vaught asked Mr. Bear about certain covenants that owners agree to that are associated with the properties.

Mr. Bear responded that per the original agreement with Mr. Tolley, the County agreed to waive 50% of the land price down due to the creation of 40 jobs and \$21M in capital investment. Currently outstanding is the promissory note of \$272,735 for the purchase of the property, along with a 4% late charge.

Mr. Tolley's proposal wants to remove the jobs and income piece of the agreement.

Mr. Bear said the covenants also state that construction will begin within a set period of time.

Mr. Tolley expects to begin the property buildout later this year with completion likely in March or April, with processing to begin in August or September 2021. He has another investor, with whom he has other contracts, willing to come forward if the other investor falls through.

Supervisor Terry asked if they're looking at the same capital investment of \$22M.

Mr. Tolley replied long term, yes, but it won't happen on the timetable previously put forward. He wants to remove the strings (jobs and capital investment) so if technology improves, he can reduce his infrastructure by 10%. He expects the job count to go up

but it's going to be over a longer period of time. Mr. Tolley said they have gained good experience over the past few years growing plants at the Terry farm, bordering Smyth and Wythe counties. There is a large market opportunity for the product and if they can keep the land here, he plans to make this the final processing/mix facility. This is where most of the jobs will be.

Mr. Farthing said there is a performance agreement and how the Board wishes to proceed on that is up to them. Regardless, Mr. Tolley will have to pay the note on the land. This can be discussed in more detail in closed session.

### **TREASURER'S REPORT**

Treasurer, Lori Guynn, appeared before the Board and reported the following:

1. Revenue Statement – Mrs. Guynn reported that the Consolidated Account was comprised of \$58,199,381 of which \$34,787,920 was in the General Fund Account at the end of July.
2. Tax Bills – Mrs. Guynn reported that she and the Commissioner have been working on the process of preparing the tax bills. They are just about complete with personal property, and about 75% complete on real estate. They plan to have the tax bills (approximately 50,000) out by the end of October.

Mrs. Guynn also reported that this will be their first fully-staffed tax season in four years. Also, when the new phone system is in, they will all be able to take payments over the phone, not just at the counter.

### **WATER COMMITTEE REPORT**

1. Austinville Sewer System – Supervisor Horney made a motion, as recommended by the Water Committee, to approve the amendment proposal from Mattern & Craig for improvements to the Austinville Sewer System.

Mr. Crisp explained that these funds were accounted for in the budget. Typically, when a project is conducted, the contractor is required to secure services through the compaction testing. Mattern & Craig has provided us a proposal that will give us better control over that. Mr. Crisp stated that an onsite inspector will be there to perform compaction tests, getting a better quality job, and in the end, should save us some money.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

2. Rickey Road Waterline Extension – Supervisor Horney made a motion, as recommended by the Water Committee, to approve Change Order #1 to the Rickey Road Waterline Extension project and to amend and appropriate \$7,000.

Mr. Crisp said with additional funds leftover from the original budget, they looked at extending the waterline out to Green Pasture. The \$7,000 is for the excess (over budget) which Rural Development will cover.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

3. Water Account Write-Offs - Supervisor Horney made a motion, as recommended by the Water Committee, to approve writing off and closing the following accounts, many of whom are deceased:

Donna Gray – 185 Vineland Lane, Barren Springs  
Samantha Donahue – 136 Wise Drive, Ivanhoe  
Shane Lawter – 811B Ivanhoe Road, Ivanhoe  
Josh Catron – 5023 Ivanhoe Road, Ivanhoe  
Bruce Arnold – 153 Cardova Drive, Max Meadows  
Drema Dunford – 88 Cherry Lane, Ivanhoe

The roll call vote was as follows:

AYES: Brian W. Vaught Coy L. McRoberts  
Rolland R. Cook B. G. "Gene" Horney, Jr.  
Ryan M. Lawson Stacy A. Terry  
James D. "Jamie" Smith

NAYS: None

**CONSENT CALENDAR**

Supervisor Terry made a motion to approve the Consent Calendar as follows:

**1. PAYROLL – July 2020:**

General County Fund	\$	544,278.98
Police Activity Fund		66,026.61
Courthouse Security Fund		14,335.73
Water Department Fund		21,991.37
Wythe County Wastewater Fund		22,995.79
<b>TOTAL</b>	<b>\$</b>	<b>669,628.48</b>

**Check Numbers:** 20000837-20000858

**Voucher Numbers:** 13275-13445

**2. STATUS REPORTS:**

- A. Animal Control – Arlan Dunford
- B. Building Inspection – Kyle Taylor
- C. Finance – Bruce Grant
- D. Parks & Recreation – Kevin Williams
- E. Solid Waste – Billy Bowers
- F. Water & Wastewater – Don Crisp

**3. PERSONNEL:**

- A. Vaughan, Cory – Transfer from Part-time to Full-time, Sheriff Deputy, Annual Salary \$31,939, Effective July 16, 2020
- B. DeHart, Kathleen – Hired, Full-time Accounting Technician, Annual Salary \$32,361, Effective July 20, 2020



**4. BUDGET AMENDMENT:**

- A. \$697.80 (3102-461250) – Auto Claim, 2017 Ford Explorer #3918
- B. \$25.00 (3501-461400) – Animal Shelter Donation in Memory of Kerri Corvin

Supervisor McRoberts seconded the motion and the roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

**VIRGINIA LOGGERS ASSOCIATION**

Mr. Ron Jenkins, Executive Director of the Virginia Loggers Association ("VLA"), appeared before the Board and explained that VLA is a 501(c)(6) trade association created to represent the interest of logging businesses and the forest products industry. Their membership is currently around 330 businesses. He is here tonight to support the loggers' request for relief from all personal property taxes on forest harvesting equipment, by codifying State law into each county ordinance.

Virginia legislators unanimously approved and the Governor signed House Bill 1021 into law on July 1, 2020. This moved forest harvesting and silvicultural equipment into code section 58.1-3505 and authorizes local government to fully exempt personal property and tools and machinery taxes for the harvesting equipment. VLA worked with the VA Farm Bureau in 2019 to create a resolution in Pittsylvania County and others. Silviculture is basically forestry and growing of trees and harvesting. The goal of VLA is to achieve 100% county approval throughout Virginia to fully exempt taxes on the aforementioned property due to financial hardship. Mr. Jenkins stated that Virginia loggers have lost several markets in recent years, and according to university studies, logging is a low profit margin business, where small slow downs in markets can quickly put logging businesses in the red.

Mr. Jenkins understands this exemption means a loss in revenue but said these smaller, family-owned businesses cannot rebound quick enough from market downturns. This exemption would help to ensure they remain in business.

Chair Vaught asked how we currently tax this in Wythe County?

Mr. Bear responded that he's not sure that we have any logging operations in the County other than for the Christmas tree industry.

Mr. Jenkins said that the Christmas tree industry would not be affected. This exemption would be more for the commercial harvesting requiring the use of very large and expensive equipment. This exemption cannot be used for anything else.

The Board could approve this since it wouldn't really impact the County's tax revenue at this time. Mr. Jenkins provided the County Attorney with sample language so he could draft a resolution for the Board of Supervisors' review and adoption.

### **RESOLUTION 2020-29 – THE END OF WORLD WAR II**

Supervisor Cook read the following resolution:

#### **WYTHE COUNTY RESOLUTION 2020-29 THE END OF WORLD WAR II**

**WHEREAS**, on December 7, 1941— a date which will live in infamy— the United States of America was suddenly and deliberately attacked by the naval and air forces of the Empire of Japan; and,

**WHEREAS**, this attack claimed the lives of 2,335 Americans, including 65 civilians; and,

**WHEREAS**, the Axis powers of Europe were committing genocide on a scale previously unseen in world history; and,

**WHEREAS**, around 6 million Jews lost their lives to Nazi persecution during the Holocaust; and,

**WHEREAS**, some 16 million Americans served in the United States Armed Forces, with 405,399 killed and 671,278 wounded in battle to eliminate the evil horrors perpetrated by the vile alliance of the Axis powers; and,

**WHEREAS**, a countless number of Wythe County citizens enlisted in this righteous fight, including approximately 100 Wythe Countians who were killed in combat; and,

August 25, 2020

**WHEREAS**, the sacrifices of everyday Americans who fought in World War II have undoubtedly made for a more peaceful and more prosperous today; and,

**WHEREAS**, on September 2, 1945, representatives from the Japanese government and Allied forces assembled aboard the *USS Missouri* in Tokyo Bay to sign the *Japanese Instrument of Surrender*, which formally ended World War II; and,

**WHEREAS**, Wednesday, September 2, 2020, marks the 75<sup>th</sup> anniversary to the end of this terrible chapter in human history; and,

**WHEREAS**, this Board commends the longstanding peaceful relations our nation and the citizens of Germany, Italy and Japan have enjoyed for three-quarters of a century and we pray this unbreakable friendship and peace will be passed to our children's grandchildren.

**NOW, THEREFORE, BE IT RESOLVED**, that the Wythe County Board of Supervisors and the citizens of this locality wish to extend our heartfelt gratitude to every person who served in the American Armed Forces during this conflict, as well as to their families and friends; and,

**BE IT FURTHER RESOLVED**, that this Board doth hereby proclaim Wednesday, September 2, 2020, as World War II Veterans Day in Wythe County.

Supervisor Terry made a motion, seconded by Supervisor Smith, to adopt Resolution 2020-29 proclaiming September 2, 2020 as World War II Veterans Day in Wythe County.

Chair Vaught said they intended to reach out to the VFWs and American Legions to present this to all of them, but given the veterans' age and COVID-19, it was an unnecessary risk to them. However, the Board will provide them with a copy of this resolution honoring their service.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

### **EMERGENCY SERVICES REPORTS**

Mr. Curtis Crawford, Emergency Services Coordinator, provided the Board with a brief update. He reported that our COVID-19 numbers are slightly less than last month. Wythe County did have eight new cases today, bringing the cumulative total to 148 (54 active, 91 recoveries, 3 deaths). Regarding purchases through the CARES Act, Mr. Crawford said small foggers were received for the emergency departments, Lucas devices have been ordered for the rescue departments, and have received two quotes on ambulances (expected delivery first of December). Mr. Crawford reported that the Health Department is not disseminating data showing how many COVID-19 cases are in isolation and how many are out of isolation, as this is not required by the State.

Chair Vaught asked how we fund Mount Rogers, and the reply was quarterly. He then asked Mr. Bear to request this data from Dr. Shelton. While the Health Department may not be required by the State to provide this data, the Chair asked if we are required by the State to fund them.

Mr. Bear responded that a legal review would need to be conducted in order to determine that.

### **WATER & WASTEWATER REPORTS**

Mr. Don Crisp provided updates (more detailed information can be found in the Consent Calendar status report) on the following Water projects:

- Atkins Mill Road, Olive Branch Road, Dunford Road PER
- Stone Meadow Lane surveys
- Rickey Road Waterline Extension
- Smyth/Wythe Interconnect PER
- Slabtown PER
- Comprehensive Water and Wastewater Study (Peed & Bortz)
- Term Services Contract for Water and Wastewater Engineering
- Implementation of Tyler System

Mr. Crisp also provided updates on the following Wastewater projects:

- Austinville PER
- Ft. Chiswell/Max Meadows Sanitary Sewer Evaluation

Mr. Crisp stated that the Finance Director has provided information detailing total budget, available budget, current month sales, income and loss. That information

revealed slightly higher numbers for Water, while Wastewater is on the lower side. They are averaging about 80 disconnects per month and will be looking into CARES Act to see if it can help residents (financially) get reconnected.

### **BUILDING & GROUNDS REPORT**

Mr. Billy Bowers reported he is processing purchase orders for work on access control with telemonitoring camera system in case of a total shutdown, several mobile barriers for DSS, new door for Sheriff's Office as well as bullet-resistant glass, and divider and door for General District Court. They have installed a new HVAC system in Juvenile Court including UV light that helps purify air. Approval from this Board to fund the B&G Supervisor position, has allowed them to save the County thousands of dollars on HVAC work now done in-house. The mowing contractor is doing a good job and is very responsive to address issues when they arise. The mowing contractor also allows B&G staff to focus on other jobs. Mr. Bowers added that he is working with other departments to address their COVID-related needs and that Emergency Services has already provided pallets of PPE; the excess currently being stored.

Building & Grounds Department is short one maintenance person but they are interviewing candidates now.

UPS batteries have been ordered for \$5,300 - compared to an initial quote of \$21k.

Upcoming projects include the winterization of parks.

Tire Day is still pending and doesn't look good for having the event this year. It's been very difficult finding someone who can take 3-4 trailers of tires and unload them quickly.

Mr. Bowers also reported that repairs are currently being made at the Barren Springs convenience center (attendant house).

The Chair commented that he appreciates all the work being done by B&G and the custodial staff.

### **FINANCE REPORT**

Mr. Bruce Grant thanked the Board of Supervisors for the new staff accountant position and announced that their new hire started this week. He also reported that the annual audit will begin on October 12<sup>th</sup>.

Mr. Grant stated that they are working on tracking/reporting on the CARES Act money coming in. Regarding MUNIS, they are looking to move forward soon (after the audit) by implementing a few updates, followed by some conversations and testing. They will also be conducting refresher training. They will also be working towards a citizens' self-service module, and later on other modules for human resources, permitting, parks and recreation, and accounts receivable.

They are currently researching the recent Executive Order by the President having to do with the deferral of certain payroll taxes.

### **COUNTY ADMINISTRATOR REPORT**

1. CARES Act Request from WCPS – Mr. Bear distributed information to the Board detailing the requests but one, in particular, is from Wythe County Public Schools.

Dr. Scott Jefferies appeared before the Board to explain the meals plan. He read aloud the request letter from the school board asking for an initial allocation of \$250k from CARES Act funding available to Wythe County. This money is to address food insecurities of students who don't already qualify for free meals by providing breakfast and lunch every school day through the 2020-2021 academic year. In addition, Dr. Jefferies said this will also give families the desperately needed peace of mind during this most difficult time. This project will require much planning but, he said, the staff are committed to this project. They will most likely be requesting additional funding before December 31<sup>st</sup>.

Chair Vaught asked how many meals were served during the summer feeding program, and Dr. Jefferies replied close to 140,000 meals (from the end of March through July 31<sup>st</sup>).

Mr. Bear said that they will hold back certain funds in anticipation of another request in December.

Supervisor Cook made a motion, seconded by Supervisor Smith, to approve the WCPS Meal Plan for CARES Act funding.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.

Ryan M. Lawson  
James D. "Jamie" Smith

Stacy A. Terry

NAYS: None

2. Classification of Personal Property for Taxation – Mr. Bear explained that the Code allows us to establish additional classifications for tangible personal property taxation. The Commissioner received a request regarding motor vehicles owned or regularly used by a disabled veteran. The County can establish a different tax rate, or none at all, for the disabled veteran's vehicle. Mr. Bear said an exemption for this is actually on the ballot this fall to consider for the entire state.

The Board decided to wait and see if this passes in the fall, as it likely will.

3. Sheriff - State Asset Forfeiture Fund Transfer Request – Chief Deputy Foster advised that they would like to rescind their request at this time, stating they might be able to use other vehicles for the time being.
4. Enterprise Lease Vehicles – Mr. Bear stated that the Sheriff's Office is requesting four vehicles (Interceptor AWD) for \$166,474 through a prepaid lease, plus two SRO vehicles. Ordinance requires the purchase go through a State contract, or it must go out to bid. However, the vehicles would not be available until 2021. This Board would need to approve leasing these six vehicles.

Supervisor Cook made a motion, seconded by Supervisor Horney, to approve prepaid leases through Enterprise for six vehicles.

The roll call vote was as follows:

AYES:	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	James D. "Jamie" Smith	Stacy A. Terry
	Coy L. McRoberts	

NAYS: None

ABSTAIN:	Brian W. Vaught	Ryan M. Lawson
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Chief Deputy Foster extended his thanks to Mr. Bear for his efforts getting this request in on short notice.

**CLOSED MEETING**

Supervisor McRoberts made a motion, seconded by Supervisor Terry, to enter into Closed Meeting under Code of Virginia Section 2.2-3711-A.1, Personnel Matters, Section 2.2-3711-A.3, Acquisition/Disposition of Property, Section 2.2-3711-A.5, Prospective New Business or Industry, and Section 2.2-3711-A.7, Consultation with Legal Counsel.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

Supervisor McRoberts made a motion, seconded by Supervisor Horney, to return to open meeting. The vote on the motion was unanimous.

Upon returning to open meeting, Supervisor Terry made a motion, seconded by Supervisor Cook, to adopt the following Resolution certifying the business conducted in closed meeting as follows:

**RESOLUTION  
CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Wythe County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Wythe County Board of Supervisors that such meeting was conducted in conformity with Virginia law; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Wythe County Board of Supervisors hereby certifies that, to the best of each member's knowledge,



(i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Wythe County Board of Supervisors.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

**MOTIONS**

Supervisor Terry made a motion, seconded by Supervisor Horney, to increase the salary of Zachary Jones, move him to Water/Wastewater Operator 1, and approve carryover of annual leave as presented by County Administrator.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

**COUNTY ADMINISTRATOR REPORT CONTINUED**

5. COVID-19 Wythe Infectious Disease Preparedness Plan – Mr. Bear requests adoption as amended by adding DSS to the Plan.

Supervisor Smith made a motion, seconded by Supervisor Terry, to adopt the Wythe Infectious Disease Preparedness Plan as presented.

The roll call vote was as follows:

AYES: Brian W. Vaught Coy L. McRoberts  
Rolland R. Cook B. G. "Gene" Horney, Jr.  
Ryan M. Lawson Stacy A. Terry  
James D. "Jamie" Smith

NAYS: None

6. Performance Agreements – Musser Lumber, Inc. – Supervisor Terry made a motion, seconded by Vice Chair Lawson, to approve the Musser Lumber, Inc. performance agreements (Wythe Opportunity Fund Performance Agreement and the Governor's Agriculture & Forestry Industries Development Fund Performance Agreement) and authorize the Chair or staff to sign as necessary.

The roll call vote was as follows:

AYES: Brian W. Vaught Coy L. McRoberts  
Rolland R. Cook B. G. "Gene" Horney, Jr.  
Ryan M. Lawson Stacy A. Terry  
James D. "Jamie" Smith

NAYS: None

7. Virginia War Memorial – Mr. Bear reported that this is for the "Speak Their Names" campaign to which the County donated last year (\$1 per name).

Supervisor Terry made a motion, seconded by Supervisor Horney, to approve the donation of \$100 and amend and appropriate same to 457015.

The roll call vote was as follows:

AYES: Brian W. Vaught Coy L. McRoberts  
Rolland R. Cook B. G. "Gene" Horney, Jr.  
Ryan M. Lawson Stacy A. Terry  
James D. "Jamie" Smith

NAYS: None

8. Circuit Court – 4<sup>th</sup> Street Recreation Center – Mr. Bear explained this is for informational purposes only. The Judge needs to have a secondary location for

jury trials and the recreation center on 4<sup>th</sup> Street is a viable option. The Judge approved it as a secondary site and Mr. Bear is working with the Town to move the process forward.

9. CARES Act – Supervisor Smith made a motion, seconded by Supervisor Horney, to approve transfer of funds for JIDA for Small Business Grant, and circuit court portable recording system and circuit court digital imaging.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

10. Rescue Squads Ambulances – Supervisor Terry made a motion, seconded by Supervisor Smith, to approve purchase of an ambulance for Lead Mines Rescue Squad and Rural Retreat Rescue Squad, understanding that two quotes were provided in lieu of bid process, and was approved by this Board.

The roll call vote was as follows:

AYES:	Brian W. Vaught	Coy L. McRoberts
	Rolland R. Cook	B. G. "Gene" Horney, Jr.
	Ryan M. Lawson	Stacy A. Terry
	James D. "Jamie" Smith	

NAYS: None

Mr. Bear recommended that the Budget Committee or CARES Committee meet weekly to review CARES Act related purchases as they are time-sensitive. Chair Vaught and Supervisor Cook offered to lend their time to this.

### **ADJOURNMENT**

With no other business to come before the Board, Chair Vaught adjourned the meeting at approximately 10:18 p.m.

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Brian W. Vaught, Chair